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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,619	06/30/2000	Raja Banerjee	Banerjee 6-8-10-5	8527

22186 7590 07/03/2003

MENDELSON AND ASSOCIATES PC
1515 MARKET STREET
SUITE 715
PHILADELPHIA, PA 19102

EXAMINER

GHULAMALI, QUTBUDDIN

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,619

Applicant(s)

BANERJEA ET AL.

Examiner

Qutub Ghulamali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings, Figs 1-4, filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21, are rejected under 35 U.S.C. 102(e) as being anticipated by Ginesi et al (US Patent 6,404,806).

Regarding claims 1, 4, 6, 9-11, 14, 16, 18, 21, Ginesi et al teaches (fig. 1, 3) a DMT modem 20, the transmit side of the modem is configured to receive downstream data at first data rate (256 frequency sub-channels) and generate a second upstream data rate (32 frequency sub-channels), the first data rate is different from the second data rate, the overall channel response is appropriately zero-padded, an out of band autocorrelation function is then determined by

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performing an IFFT on the estimated out of band noise PSD (col. 4, lines 27-65, col. 5, lines 18-40, col. 6, lines 33-55, col. 7, lines 4-9).

Regarding claim 2, 12 Ginesi et al teaches, transmit and receive paths are coupled between the DMT and codec (fig. 1) (col. 4, lines 47-65).

Regarding claim 3, 13, Ginesi et al teaches, an estimated channel impulse response (CIR) hk determined 210, by performing an IFFT on the estimated channel frequency response determined at step 200 (fig. 5) (col. 6, lines 29-43).

Regarding claims 5, 7, 15, 17, Ginesi et al teaches use of filters to reduce or eliminate leakage or interference signal components operating close to the upper limit of downstream channel 100 (col. 5, lines 58-67, col. 6, lines 11-15).

Regarding claims 8, Ginesi et al teaches transmit path include a cyclic prefix (CP 34), the time domain output from the IFFT is processed at block 32 separate the symbols in time in order to decrease inter-symbol interference.

Regarding claims 19, 20, Ginesi et al teaches (fig. 8) calculating means such as a microprocessor 408, is attached to both the CIR estimator 404 and PSD estimator 406, processor 408 performs statistical analysis.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huang et al (US Patent 5,666,383), includes information related to transceiver for data transfer between user and communications networks.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (703) 305-7868.

The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3988 for regular communications and 703 305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-4750.

QG.
June 27, 2003



DON N. VO
PRIMARY EXAMINER